



MEETING SUMMARY

CALIFORNIA WATER PLAN UPDATE 2013 TRIBAL ADVISORY COMMITTEE MEETING

10:00 A.M. – 5:00 P.M.

**CCP LARGE CONFERENCE ROOM
815 S STREET SACRAMENTO, CA**

MEETING OBJECTIVES:

1. Discuss coordination with DAC/EJ Caucus efforts.
2. Finalize revisions to Tribal Communication Plan for public review.
3. Evaluate status of CWP 2009 Objective 12.
4. Determine if Tribal AC seeks to take on additional items from 2009 recommendations.

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Welcome and Introductions

After an opening prayer by William Speers, Kamyar Guivetchi, Manager for the DWR Division of Statewide Integrated Water Management welcomed Tribal Advisory Committee (Tribal AC) members. He related that he was pleased to be at the Tribal AC meeting and extended his appreciation for members taking time to participate and improve the content of the California Water Plan. He noted that during the previous year, 2011, staff members were developing basic content for Update 2013. The process is now transitioning to document production, which will culminate with the Public Review Draft in April 2013. Mr. Guivetchi introduced Kimberly Johnston-Dodds, the new DWR Tribal Liaison and Policy Advisory. Ms. Johnston-Dodds was hired to replace Barbara Cross who recently retired. The Tribal Liaison and Policy Advisor is an executive position, reporting directly to Sue Simms who is the DWR Assistant Director. Introductions were then made around the room and on the phone.

Update 2013 Production Schedule



Kaymar Guivetchi reviewed the production schedule for Update 2013. The schedule and timelines were developed through an extensive workshop with Work Team Leads. Each component of Update 2013 has key dates for content delivery to the lead authors. Production for both the Resource Management Strategies and the Regional Reports will be staggered. The sheer number of reports and strategies will require rolling out at different times, to provide adequate time for coordination with the production team and document review. It was noted that the Public Review Draft is anticipated to be released in April 2013, which would provide an opportunity to add in content from the Tribal Water Summit. Two handouts were referenced: one listed key dates for initial content to authors, the other identified dates for upcoming RMS workshops.

Question: If there is public comment on Tribal text, who will address the public comment?

Response: Any comment on Tribal text will be brought back to the Tribal AC.

Disadvantaged Communities/Environmental Justice Caucus

Overview of DAC/EJ Caucus

Maria Elena Kennedy introduced herself as the co-chair of the Water Plan DAC/EJ Caucus. Ms. Kennedy is a member of the Update 2013 Public Advisory Committee. Through her work with the Inland Empire Environmental Justice Coalition and Santa Ana Water Project Authority (SAWPA), Ms. Kennedy brings DAC and EJ perspectives into the Water Plan. The Tribal AC had requested a presentation on the DAC/EJ Caucus, resulting in this agenda item.

Ms. Kennedy explained that the Caucus was created to more directly engage DAC/EJ voices in Update 2013. DAC and EJ communities face a range of challenges: many are situated in remote locations, with limited access to existing water and wastewater facilities, and facing economic challenges. There may also be cultural barriers to dealing with water-related agencies and local entities. Underserved Tribal communities may face similar conditions. A key difference between DAC/EJ communities and underserved Tribal communities is the sovereign status of Tribes.

Ms. Kennedy explained that the SAWPA process, One Water One Watershed (OWOW), provides an example of how DACs and Tribes are working together. She and Leslie Cleveland, Bureau of Reclamation, are the co-chairs for the DAC/Tribal component of OWOW. They are working with Tribes and DACs in, or near, the watershed to identify issues and contribute to a basin-wide study being conducted by the Bureau of Reclamation. This effort can serve as a model for working together.

A key deliverable for the caucus is to provide input on revising the “*Californians without Safe Water*” report. Additional objectives include integrating DAC/EJ issues into the Regional Reports and other sections of the Water Plan. The Caucus is also looking create contact lists for DAC/EJ communities, as well as agency lists, to establish a resource base that is readily available for those working on water issues in underserved communities. Relevant legislation will also be tracked.



Discussion: DAC/EJ Caucus

There was a discussion regarding the relationship of Tribal issues and communities to those of DAC/EJ. This often involves balancing the shared objectives of underserved communities with the special status of Tribes. Often it is an issue of visibility. It was also noted that some Tribes may be reluctant to share information with agencies and there is some distrust about how information will be used.

The definition of DAC is also a challenge – the State defines a DAC as a community with 80% of median household income. The Federal definition is different. There are concerns with the definition, which can overlook pockets of poverty embedded in wealthier communities. The American Community Index maps out community blocks and provides financial information, which could potentially be used in funding applications. It was suggested to check the 2010 census for more information and perhaps use GIS overlays to highlight the location of DACs and underserved areas.

It was noted that contaminated aquifers are contaminated for all.

ACTION ITEM: Maria will send a chart defining state and federal definition of DAC/EJ., which will be posted on the Tribal AC website along with the notes.

ACTION ITEM: Maria to provide link to video that documents community outreach.

ACTION ITEM: Add Morning Star Gali to the DAC/EJ caucus to coordinate with Tribal AC.

Report: Californians without Safe Water

Jose Alarcon, DWR Work Team Lead for Water Quality, is coordinating the revision of the 2005 report, *“Californians without Safe Water”* and will be creating an annotated outline over the next few weeks. Additional content will be developed in May, with the draft report released in August. Comments and feedback will be incorporated in the final report.

Mr. Alarcon is seeking to identify potential contributors to, or reviewers of, the report. Reference documents would be especially helpful. For example, the Water Boards has a report on communities relying on contaminated groundwater. There is another report, by UC Davis, on nitrate contamination. Tribal AC members were asked for their suggestions for the report – which could include regional information, issues and challenges specific to Tribal communities.

A handout was distributed, which provided the draft outline for the Update 2013 revision and a copy of Section 5, “A Focus on California’s Native American Population,” from the 2005 report. Kamyar clarified that the report on *“Californians without Safe Water”* should be viewed as a Water Plan document that was informed by the Tribal AC and the DAC/EJ Caucus, and be seen as a common issue for the two groups. Kamyar noted that section 6 on the outline “Conclusions” might be more appropriately called “Recommendations to Remove Barriers to Implementation.”



Discussion: Safe Water Report

Comment: Revise Table 5.1 to update the data and say what's happened since then.

Comment: A region by region perspective would be helpful.

Comment: Provide additional information on the table so that public readers will understand it.

Comment: Paragraph 1: EPA authority relates to Section, and allotments are not federally recognized. Tribal communities are addressing needs in other ways, working with DFG and other entities. (Ron Goode will help develop text on this.)

Comment: The needs of unrecognized/unacknowledged Tribes must be included.

Comment: There is a missing factor within the statistics on affordable water. Some communities are located on contaminated aquifers. There is a Fresno article saying Tribes pay as much for water as they pay for rent. (Follow up with Frank Ramirez.)

Comment: Table 5.1 shows capital costs, developing sustainable projects requires that O & M costs be considered as well. All funding gaps should be identified.

Comment: These projects are funded through EPA and IHS. Many Tribes don't understand the system and how it works. Construction costs going up and funding is very competitive – it's really difficult to get these projects done.

Response: Kamyar Guivetchi noted that this list will assist the Finance Plan in identifying the level of funding needs and where they occur.

Comment: It's important to understand what "safe water" means to Tribes – capacity includes training to operate facilities.

Comment: Tribes don't understand options or programs to develop facilities or protect their watersheds.

Comment: Water quality contamination can involve a "cocktail effect" where individual pollutants are under the trigger thresholds – but cumulative impacts need to be better understood. Water quality is a big issue in the Central Valley, e.g. Kettleman City.

ACTION ITEM: Jose to contact Don Bradford at IHS, who updates the SDS list every year. It would be good to have his interpretation of the data and to understand how the table is developed.

ACTION ITEM: Identify options for flagging the needs of unrecognized Tribal communities.

ACTION ITEM: Tribal AC members to email Stephanie, Emily or Jose names and contact information names for Tribal organizations working on water quality and supply issues.

ACTION ITEM: Stephanie to send reminder on this content to tribal listserve.

Jose Alarcon recapped the discussion, saying that challenges all California Tribes should be summarized at both statewide and regional levels that can be reflected in the regional reports.



Tribal Content in Update 2013

Lew Moeller, Project Manager, Update 2013, walked through a handout which listed the locations and types of Tribal content contained in Update 2009. Areas for potentially new areas of Tribal content were also identified. Special attention was given to the Regional Reports, with a sample of the Tribal summary for the North Coast Regional Report – which was the most detailed example in Update 2009. Using that example, along with questions asked of IRWMs in the Update 2013 Regional Forums, Tribal content for the regional reports could include the following:

- Demographics
- Tribal water priorities
- Traditional uses of water
- Challenges and lessons learned
- Accomplishments
- Collaborative efforts (describe)
- Tribal water-related programs, policies and projects

If this above represents the type of information being sought, Tribal AC member were asked: Where can the information be found and who should create an initial draft of the text? It is also important to find a way to acknowledge Tribes who have not provided content. Tribes may be reluctant to share information for a number of reasons.

Suggestion: Develop a matrix that includes the demographics we want – then send reach out to the RTOC California Work Group and others to collect information. Identify data gaps.

Comment: Develop a short paragraph explaining the reason behind the matrix. Include the handout to show where other Tribal content fits into the Water Plan.

Comment: Clarify how information will be used.

Comment: With some of these tribes you need to send someone there to talk to them, which is more respectful. Phone trees are another option.

Comment: Consider creasing a regional tribal caucus at the Tribal Water Summit.

Comment: Tribal sessions could be added to Regional Forum meetings.

There was a discussion about the role of IRWM and Tribal participation. It was noted that IRWM groups are supposed to reach out to Tribes and DACs. Where Tribes have obtained funding, there should be a description of how that occurred. Tribes should be involved in the IRWM entities and groups.

ACTION ITEM: Tom Keegan will do a presentation in May to the RTOC California Work Group about the TAC and TWS.

ACTION ITEM: Kimberly to coordinate with tribal liaisons.

ACTION ITEM: Regional coordinators should coordinate with IRWM folks to ensure tribes are being engaged.

ACTION ITEM: Reach out to the Regional Water Boards offices



ACTION ITEM: Reference recent Tribal maps (USGS, EPA, TAS, territorial) include all Tribal lands including rancherias and allotments. (Sherrie Norris to assist with territorial maps.)

ACTION ITEM: Tribal AC members to send in updated maps (or links) that can be used.

ACTION ITEM: Steve Archer to send survey results from self-assessment prior to TWS 2009.

ACTION ITEM: By June 1st, identify a point person for Tribal content in each hydrologic region.

Tribal Communication Plan

Stephanie Lucero, Tribal AC Facilitator, highlighted the revisions to the TCP. The major addition is the introduction which provides background on the TCP and describes with work of the Tribal AC. Discussion and comments on the TCP included the following:

- Where the word “sustainability” occurs, add cultural knowledge.
- The word “Tribe” should be used consistently throughout the plan – keep as in the original document, it is a common-sense term and used throughout the rest of the document.
- Check the new forest plan rule and sacred sites section for definition of traditional cultural practitioner.
- Section 2, Background, Tribal Perspectives: “sustainability” is different from the ability “to fill their cultural and economic needs”

It was suggested that language be added, either to the TCP or in a cover letter, explaining what the document is/is not. For example: “This should not be construed as a consultation policy. Formal Consultation is a separate entity.” Explain this, so that readers are not confused between a communication and consultation policy. Or, note that there may be other requirements for working with tribes. A readers’ guide is another option.

There was a discussion on Glossary terms provided in the TCP and whether there was a need to define federally-recognized Tribes. A question from the facilitator asked if the current language for the third glossary entry was sufficient to clarify the status of federally-recognized Tribes.

Glossary entries #1-4 were carried over from the 2008 draft of the TCP. Some suggested removing glossary entries #1-3 entirely, since page 1 of the TCP defines “California Native American Tribes” for the purposes of the document. The discussion was tabled for further consideration.

TCP Goals

Tribal AC members were asked to review the goals contained in the TCP. In revising the eight goals, a comment was made that some of the goals had not yet been achieved. One member asked how the goals might be measured, to which another member suggested that objectives could be developed for each goal. There is also a progress report being developed for Update 2009 of the Water Plan, which is evaluating the status of its 13 objectives. Objective 12 relates to Improving Tribal Water and Natural Resources and is supported by 13 action items. Evaluating the Action Items for Objective 12 could inform progress on for the TCP goals.



It was suggested that the TCP goals pertaining to the TCP be identified. There was a discussion on Goal #6, regarding the ability of Tribes to allocate water to other Tribes. John Covington volunteered to re-write this goal for clarity.

It was agreed that Goals #2, 3 and 4 directly applied to the TCP. Regarding Goal #4, Tribal AC members emphasized that Tribes are heard and listened to when they provide information and perspectives. It was agreed that the revisions to the TCP will be posted on the Tribal Engagement website and information sent out to the tribal listserve. It will be identified as a working draft, that cannot be implemented at this time and that Tribes are welcome to comment.

Strategic Work Plan

TCP Goals #1, 6 and 7 were identified as actions for the Tribal AC to move forward.

Tribal AC priorities were also pulled from the TWS Assessment survey. Based on the responses that were received, TWS Recommend Actions that represented priorities for the Tribal AC members were:

- A7: Emphasis on the important of long-term sustainability for water resources
- B1: DWR leadership for an interagency Tribal communication network
- C1: Creation of the Tribal AC
- D8: Creation of a DWR Director's Tribal Water Advisory Committee
- D11: Greater emphasis on protecting water resources through watershed planning

Referencing the charter, responsibilities for the Tribal AC include: updating the TCP, addressing the 2009 TWS recommendations, and ensuring that tribal perspectives make their way into Update 2013 of the Water Plan. Members will be asked to identify their top three priorities for activities through June of 2013.

Tribal Water Summit

Stephanie Lucero reminded Tribal AC members that the date for the next Tribal Water Summit is April 24-25, 2013. To prepare for roll out, three versions of "elevator speeches" are needed for outreach to Tribal, Federal and State audiences. The content should explain "Why the TWS is Important." These three areas of focused messaging will be incorporated into the invitations.

There will be a TWS marketing and outreach teleconference meeting on March 30 from 9 am – 11 am. Any TAC members can be part of the TWS Design Team. Federal and state agencies also need to be involved on the Design Team. Cynthia Gomez should be invited to participate. Fundraising needs to begin immediately. Ron Goode will serve as the fiscal agent. There was an inquiry as to whether there was a Tribal contact list for the TWS and whether Water Stories would be a component of the next TWS.



ACTION ITEM: Reach out to state and federal agencies for involvement on the TWS Design Team and invite Cynthia Gomez to participate.

Other Announcements

Atta Stevenson submitted a letter regarding comments on the DFG EIR document.

ACTION ITEM: Stephanie will put on listserv Atta's DFG EIR document.

Rob Cozens encouraged Tribal AC members to work with DWR regional offices and be involved in the DWR groundwater elevation monitoring program. He also reported on a presentation from Green Wave Energy at the California Marine Renewable Energy Working Group, where Green Wave is looking to develop gravity and buoyancy energy.

ACTION ITEM: Provide content to Jose on Safe Water Report. John and Morning Star will help Jose.

ACTION ITEM: Please fill out the TWS Assessment survey and think about goals for the Tribal AC. Will Action Items will be posted on the Tribal AC website.



Attendance

Tribal Advisory Committee Members and Alternates (13):

Paula Britton, Habematolel Pomo of Upper Lake
John Covington, Morongo band of Mission Indians
Rob Cozens, Reshini Rancheria
Aaron Dixon, Susanville Rancheria
Morning Star Gali, Pit River Tribe
Ron Goode, North Fork Mono Tribe
Richard Hawkins, Nor-Rel-Muk Wintu Nation
Tom Keegan, Dry Creek Rancheria
Donna Miranda-Begay, Inter Tribal Council of California, Tubatulabals of Kern Valley
Frank Ramirez, National American Indian Veterans
Oscar Serrano, Colusa Indian Community Council
Caleen Sisk, Winnemum Wintu
William Speer, Shasta Indian Nation
Valeria Stanley, Sherwood Valley Rancheria of Pomo
Harry Williams, Bishop Paiute Tribe

Others (20):

Jose Alarcon, DWR
Emily Alejandrino, DWR Tribal Coordinator Work Team Lead
Michelle Chi, Dry Creek Rancheria, La Pena Law Corporation
Leslie Cleveland, Bureau of Reclamation
Charlie Kratzer, DWR
Barbara Cross, DWR-retired
Michelle Dooley, DWR South-Central Regional Office
Kamyar Guivetchi, DWR
Kimberly Johnston-Dodds, DWR Tribal Liaison
Kathleen Kimberling
Abimael Leon, DWR South-Central Regional Office
Lewis Moeller, DWR
Tim Nelson, DWR North-Central Regional Office
Ernie Taylor, DWR South-Central Regional Office
Jennifer Wong, DWR Southern Regional Office
Sherrie Norris, California Indian Environmental Alliance

DWR Tribal Liaisons – Contact Information

- Mary Randall, Northern Regional Office, (530) 528-7407, mrandall@water.ca.gov
- Tim Nelson, North-Central Regional Office, (916) 376-1926, tnelson@water.ca.gov
- Abimael Leon, South-Central Regional Office, (559) 230-3315, aleoncar@water.ca.gov
- Jennifer Wong, Southern Regional Office, (818) 500-1645 x262, jenwong@water.ca.gov

Facilitation Team: Stephanie Lucero, Tribal Facilitator; Judie Talbot, facilitation support; Center for Collaborative Policy, CSU Sacramento